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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/502,313      | 02/11/2000  | Keith Rose           | 1142                | 4981             |

7590 10/06/2003

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EXAMINER

MILLIN, VINCENT A

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/502,313

Applicant(s)

ROSE ET AL.

Examiner

James S. Bergin

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (US 2003/0135457 A1) in view of D'Amico et al. (US 2001/0034641 A1).

Stewart et al. disclose a method and apparatus for providing online financial account services comprising receiving a subscription to open and fund a new deposit account online through a web site of a financial institution 10. The customer 20 is directed to the web site of the financial institution by web-based advertising or other links, by a web search engine or by directly entering the site's URL address in a web browser. The web site provides information related to accounts and other services offered by the financial institution (see page 5, paragraph [0057]. Stewart et al. disclose that the financial institution 10 can be a bank or any other type of financial or investment services company offering deposit based services and that the deposit account can be a checking or savings account, a certificate of deposit, a money market account or any other suitable financial account (see page 2, paragraph [0016]).

Stewart et al. do not specifically disclose that the financial account to be opened by the customer 10 at the investment services company can be a mutual fund account.

D'Amico et al. disclose prospective customers purchasing shares of a mutual fund by contacting the mutual fund on the internet, requesting an application and then submitting the completed application along with the appropriate funds to the fund advisor (see page 3, paragraph [0047]).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made, in view of the teachings in D'Amico et al., to allow a customer of the Stewart et al. method, to both open and fund a mutual fund account over the internet, thereby expanding the customers investment options and enabling the customer to buy and sell mutual fund shares online.

Regarding claims 5 and 13, the examiner takes official notice that a series of linked web pages where the user can create a new account is old in the art (see the cited reference to Joseph (US 2001/0034690 A1, paragraph [0039])). In view of this official notice, it would have been obvious to one of ordinary skill in the art at the time that the invention was made, to modify the user interface of the Stewart et al./ D'Amico et al. combination method with linked web pages, so as to utilize a well known and convenient user friendly interface.

Regarding claims 7, 8, 15 and 16, the examiner takes official notice that scrolling banner and animated banner advertisements are well known in the art of advertising on the web. In view of this official notice, it would have been obvious to one of ordinary skill in the art at the time that the invention was made, to use banner advertising at the users computer interface in the Stewart et al./ D'Amico et al. combination method and thereby avail of an efficient and proven method of advertising on the internet.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oyama et al. (US 2002/0007343 A1) disclose an account application over a computer network; Joseph (US 2001/0034690 A1) discloses a user being directed to a series of linked web pages where the user can create a new account (see paragraph [0039]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 703 308-8549. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703 308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

  
JSB

26<sup>th</sup> September, 2003

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



**DETAILED ACTION**

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26<sup>th</sup> September, 2003

